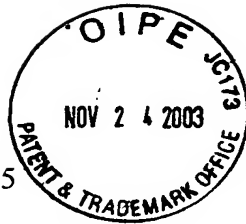


Attorney Docket No.: 5600-85



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Application Serial No.: 10/656,386

Filed: September 5, 2003

For: *Stable Probiotic Microsphere Compositions and Their Methods of Preparation*

Date: November 21, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)**

Sir:

Attached is a form PTO-1449, together with a copy of each of the identified document(s). It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.56 and Section 609 of the MPEP.

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(b), within three months of the filing date of the above-referenced application or before the mailing of a first Office Action on the merits, whichever event occurs last. Therefore, no fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

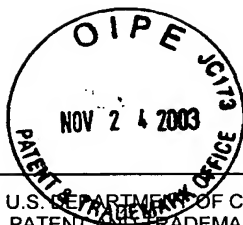
F. Michael Sajovec
Registration No. 31,793

Myers Bigel Sibley & Sajovec, P.A.
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Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Certificate of Mailing under 37 CFR 1.8 (or 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2003.

Clara R. Beard



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| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | ATTY. DOCKET NO. 5600-85 | SERIAL NO. 10/656,386 |
| | APPLICANT Donald L. SIMMONS et al. | |
| | FILING DATE September 5, 2003 | GROUP |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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| | | 6 3 0 6 3 9 1 | 2001 | MODI et al. | 424 | 93.44 | |
| | | 4 3 9 6 6 3 1 | 1983 | ADACHI et al. | 426 | 61 | |
| | | 5 6 3 5 2 0 2 | 1997 | FORD | 424 | 443 | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|----|-----------------|------|---------|-------|----------|-------------|----|
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| | WO | 9 9 4 9 8 7 5 | 1999 | PCT | | | | |
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| | WO | 0 0 4 1 5 7 6 | 2000 | PCT | | | | |
| | WO | 9 7 1 6 1 9 8 | 1997 | PCT | | | | |

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

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| | APPLICANT Donald L. SIMMONS et al. | |
| | FILING DATE | GROUP |

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